

SAMPSON & ASSOCIATES

Bryan D. Sampson (#143143)
2139 First Avenue
San Diego, CA 92101
(619) 557-9420/Fax (619) 557-9425

Attorneys for Creditor BRADLEY PROULX

FILED

99 FEB -2 AM 9:47

CLERK
U.S. BANKRUPTCY CT.
SO. DIST. OF CALIF

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA**

In re:

SARA NEWSOME BURNS,

Debtor.

CASE NO. 99-00811-B13

**INDEX OF EXHIBITS IN
SUPPORT OF EX PARTE
APPLICATION FOR ORDER
AUTHORIZING PAYMENT
TO TRUSTEE**

Date: N/A

Time: N/A

Ctrm: 4

Hon. Peter Bowie

Creditor Bradley Proulx hereby submits the following exhibits in support of
his ex parte application for an order authorizing payment on a lien.

<u>Exhibit</u>	<u>Description</u>
"1"	State Court Judgment against BURNS dated 10-30-98.
"2"	State Court Turnover Order dated 12-16-98.
"3"	Notice of Lien in Federal Action dated 1-13-99.
"4"	Debtor's Voluntary Petition dated 1-25-99.

DATED: February 1, 1999

SAMPSON & ASSOCIATES

By:



Bryan D. Sampson
Attorney for Judgment Creditor

E I L E D
KENNETH E. MARTONE
Clerk of the Superior Court

OCT 30 1998

MCy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

BRADLEY PROULX,

Plaintiff,

v.

SARA NEWSOME BURNS,

Defendant.

CASE NO. 711064

JUDGMENT

This cause came on for hearing on June 15, 1998, in Department M-25 of the above-entitled court, the Honorable Timothy W. Tower, Judge, presiding. Plaintiff appeared by his attorney T. Michael Reed, and defendant appeared by her attorneys David Tiffany and Randy Grossman.

Jury was waived. Witnesses on the part of both plaintiffs and defendants were sworn and examined. After hearing the evidence and the arguments of counsel, the court subsequently rendered a Statement of Decision as follows: See Statement of Decision attached as Exhibit 1.

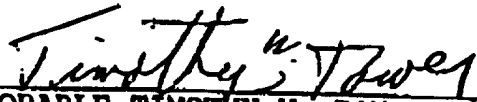
WHEREFORE, by virtue of law, and by reason of the premises aforesaid, it is ordered, adjudged, and decreed that plaintiff

1 BRADLEY PROULX has and recovers from defendant the sums as
2 follows:

3 One-third of \$580,000.00 or \$193,333.33 to be paid pro rata
4 as the government pays defendant, plus \$22,267.50 together with
5 interest thereon from July 29, 1991 to the present at the rate
6 of 10% per annum, without compounding, in the amount of
7 \$15,861.78.

8 Interest, costs and disbursements are to be determined.

9 WITNESS, the Honorable Timothy W. Tower, Judge of this
10 Court, and my hand and seal of this Court, this 30th day of
11 October
~~September~~, 1998.

12
13
14 
15 HONORABLE TIMOTHY W. TOWER
16 Sitting as Judge of the Superior
17 Court

18 Approved as to form:

19
20 Attorneys for Defendant
21
22
23
24
25
26
27
28

F. I. L. E. L.
KENNETH E. MARTONE
Clerk of the Superior Court

DEC 16 1998

By: M. RADEMAKER, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA.

FOR THE COUNTY OF SAN DIEGO

BRADLEY PROULX,

**Plaintiff and
Judgment Creditor,**

vs.

**SARA NEWSOME BURNS, and DOES 1
through 20,**

**Defendants and
Judgment Debtors.**

CASE NO. 711064

**TURNOVER ORDER IN AID OF
EXECUTION**

Plaintiff/Judgment Creditor BRADLEY PROULX's motion for a turnover order in aid of execution came for hearing before this Court on December 4, 1998 at 3:00 p.m. in Department 46 of the above-entitled court, Honorable Ronald S. Prager presiding. No appearances were made by counsel as the motion was set for telephonic ruling.

The Court, having considered Plaintiff and Judgment Creditor's motion for a

1 Turnover Order in Aid of Execution; the written submissions of the parties, and the files
2 and records of the case, and good cause having been shown therefore:

3
4 IT IS HEREBY ORDERED as follows:

5 1) Upon receipt of, or upon receiving control or possession of the following
6 described assets or any instrument representing or relating to those assets, the Defendant
7 and Judgment Debtor, SARA NEWSOME BURNS, and/or any person acting in concert
8 with her or under her direction or control, including her attorneys in the instant matter,
9 DAN LAWTON, ESQ., and RANDY GROSSMAN, ESQ., and her attorney in *United*
10 *States ex rel Newsome v. Family Practice Associates, et al.*, Civil Action No. 91-1325-E(P)
11 (United States District Court for the Southern District of California), JOHN J. APPEL, JR.,
12 ESQ., shall immediately endorse and turn over, or cause to be turned over to the Marshal
13 of San Diego County:
14

15
16 Any and all checks or funds received by SARA NEWSOME BURNS, DAN
17 LAWTON, ESQ., RANDY GROSSMAN, ESQ., or JOHN J. APPEL, JR., ESQ.,
18 which represent payment to MS. BURNS of fees due to her for her participation as
19 a relator in *United States ex rel Newsome v. Family Practice Associates, et al.*, Civil
20 Action No. 91-1325-E(P) (United States District Court for the Southern District of
21 California) and ordered paid to MS. BURNS pursuant to the Order on Stipulation
22 for Order Modifying Settlement Agreement, dated July 1, 1997, in *U.S. ex rel*
23 *Newsome v. Family Practice Associates, supra*.

24
25 2) Neither the Defendant and Judgment Debtor, SARA NEWSOME BURNS,
26 nor any person acting in concert with her or under her direction or control, including her
27
28

attorneys in the instant matter, DAN LAWTON, ESQ., and RANDY GROSSMAN, ESQ., and her attorney in *United States ex rel Newsome v. Family Practice Associates, et al.*, Civil Action No. 91-1325-E(P) (United States District Court for the Southern District of California), JOHN J. APPEL, JR., ESQ., shall receive, deposit, conceal, remove, or sequester the above-described funds, nor shall they obstruct, delay, prevent, or interfere in any manner with the timely delivery of the above-described funds to the Marshal of San Diego County.

IT IS FURTHER ORDERED that this Order shall be personally served on the judgment debtor, SARA NEWSOME BURNS, and her attorneys of record in the instant matter, DAN LAWTON, ESQ., and RANDY GROSSMAN, ESQ., and her attorney in *United States ex rel Newsome v. Family Practice Associates, et al.*, *supra*, JOHN J. APPEL, JR., ESQ.

NOTICE IS HEREBY GIVEN THAT FAILURE BY THE JUDGMENT DEBTOR, HER ABOVE-NAMED ATTORNEYS OF RECORD, OR ANY PERSON ACTING ON HER BEHALF OR UNDER HER CONTROL, TO COMPLY WITH THIS ORDER MAY SUBJECT SUCH PERSON TO ARREST AND PUNISHMENT FOR CONTEMPT OF COURT.

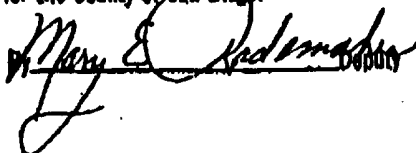
Dated: December 16, 1998.

The foregoing instrument is a full, true and correct copy of the original on file in this office.

Attest: DEC 16 1998
KENNETH E. MARTONE
Clerk of the Superior Court of the State of California,
in and for the County of San Diego

Ronald S. Prager

HONORABLE RONALD S. PRAGER
Judge of the Superior Court



SAMPSON & ASSOCIATES
Bryan D. Sampson (#143143)
2139 First Avenue
San Diego, CA 92101
(619) 557-9420/Fax 557-9425

Attorneys for Lien Claimant **BRADLEY PROULX**

FILED

99 JAN 13 PM 2:08

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**UNITED STATES OF AMERICA ex rel SARA
NEWSOME (BURNS),**

Plaintiffs,

v.

FAMILY PRACTICE ASSOCIATES, et al.

Defendants.

CASE NO. 91-1325-K(POR)

NOTICE OF LIEN

ALL PARTIES IN THIS ACTION ARE NOTIFIED THAT:

A lien is created by this Notice under FRCP 69 and Article 5 (commencing with section 708.410) of Chapter 6 of Title 9 of Part 2 of the California Code of Civil Procedure. The lien is based on a money judgment. The right to attach order or the money judgment is entered in the following action: Superior Court of California, San Diego Branch, Bradley Proulx v. Sara Newsome Burns, et al. Date of Entry of Judgment was October 30, 1998.

The name and address of the judgment creditor or person who obtained the right to attach order are (specifically): Bradley Proulx, c/o Casey Gerry Reed & Schenk, 110 Laurel Street, San Diego, CA., 92101. The name and last known address of the judgment debtor or person whose property is subject to the right to

ATTORNEY FOR PARTY WITHOUT ATTORNEY (If any) (619) 557-9420 Bryan D. Sampson, Esq. (#14, 3) SAMPSON & ASSOCIATE 2139 First Avenue San Diego, CA 92101 - fax (619) 557-9425	
ATTORNEY FOR LIEN CLAIMANT: BRADLEY PROULX	
NAME OF COURT: UNITED STATES DISTRICT COURT STREET ADDRESS: 880 Front Street, Ste. 4290 MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101-8900 BRANCH NAME: SOUTHERN DISTRICT OF CALIFORNIA	
PLAINTIFF: United States of America ex rel Sara Newsome (Burns) DEFENDANT: Family Practice Associates, et al.	
NOTICE OF LIEN (Attachment - Enforcement of Judgment)	

CASE NUMBER:
91-1325-K(POR)

ALL PARTIES IN THIS ACTION ARE NOTIFIED THAT

1. A lien is created by this notice under
 - a. ☐ Article 3 (commencing with section 491.410) of Chapter 11 of Title 6.5 of Part 2 of the Code of Civil Procedure.
 - b. ☒ Article 5 (commencing with section 708.410) of Chapter 6 of Title 9 of Part 2 of the Code of Civil Procedure.
2. The lien is based on a
 - a. ☐ right to attach order and an order permitting the creation of a lien (copies attached).
 - b. ☒ money judgment.
3. The right to attach order or the money judgment is entered in the following action:
 - a. Title of court (specify): **SUPERIOR COURT OF CALIFORNIA, SAN DIEGO BRANCH**
 - b. Name of case (specify): **BRADLEY PROULX v. SARA NEWSOME BURNS, et al.**
 - c. Number of case (specify): **711064**
 - d. ☒ Date of entry of judgment (specify): **October 30, 1998**
 - e. ☐ Dates of renewal of judgment (specify):
4. The name and address of the judgment creditor or person who obtained the right to attach order are (specify):
BRADLEY PROULX, c/o Casey, Gerry, Reed & Schenk, 110 Laurel St., San Diego, CA 92101
5. The name and last known address of the judgment debtor or person whose property is subject to the right to attach order are (specify):
SARA NEWSOME BURNS, 4621 Kensington Drive, San Diego, CA 92116
6. The amount required to satisfy the judgment creditor's money judgment or to secure the amount to be secured by the attachment at the time this notice of lien is filed is
\$ 231,462.61
7. The lien created by this notice attaches to any cause of action of the person named in item 5 that is the subject of this action or proceeding and to that person's rights to money or property under any judgment subsequently procured in this action or proceeding.
8. No compromise, dismissal, settlement, or satisfaction of this action or proceeding or any of the rights of the person named in item 5 to money or property under any judgment procured in this action or proceeding may be entered into by or on behalf of that person, and that person may not enforce any rights to money or property under any judgment procured in this action or proceeding by a writ or otherwise, unless one of the following requirements is satisfied:
 - a. the prior approval by order of the court in this action or proceeding has been obtained;
 - b. the written consent of the person named in item 4 has been obtained or that person has released the lien; or
 - c. the money judgment of the person named in item 4 has been satisfied.

NOTICE The person named in item 5 may claim an exemption for all or any portion of the money or property within 30 days after receiving notice of the creation of the lien. The exemption is waived if it is not claimed in time.

Date: **January 13, 1999**

BRYAN D. SAMPSON, ESQ.
 (TYPE OR PRINT NAME)


 (SIGNATURE OF LIEN CLAIMANT OR ATTORNEY)

Official Form 1 (9/97)

FORM B1

United States Bankruptcy Court
SOUTHERN DISTRICT OF CALIFORNIA

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle):
Burns, Sara Newsome

Name of Joint Debtor (Spouse) (Last, First, Middle):

All Other Names used by the Debtor in the last 6 years
(include married, maiden, and trade names):
None

All Other Names used by the Joint Debtor in the last 6 years
(include married, maiden, and trade names):

Soc. Sec./Tax I.D. No. (if more than one, state all):
354-56-0231

Soc. Sec./Tax I.D. No. (if more than one, state all):

Street Address of Debtor (No. & Street, City, State & Zip Code):
4621 Kensington Drive
San Diego, CA 92116

Street Address of Joint Debtor (No. & Street, City, State & Zip Code):

County of Residence or of the
Principal Place of Business: San Diego

County of Residence or of the
Principal Place of Business:

Mailing Address of Debtor (if different from street address):

Mailing Address of Joint Debtor (if different from street address):

Location of Principal Assets of Business Debtor
(if different from street address above):

Attorney: L. Scott Keehn, 61691
ROBBINS & KEEHN, APC
530 "B" Street, Suite 2400
San Diego, California 92101 ph: 619-232-1700

Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Type of Debtor (Check all boxes that apply)

☒ Individual(s) ☐ Railroad
☐ Corporation ☐ Stockbroker
☐ Partnership ☐ Commodity Broker
☐ Other

Chapter or Section of Bankruptcy Code Under Which
the Petition is Filed (Check one box)

☐ Chapter 7 ☐ Chapter 11 ☒ Chapter 13
☐ Chapter 9 ☐ Chapter 12
☐ Sec. 304 - Case ancillary to foreign proceeding

Nature of Debts (Check one box)

☒ Consumer/Non-Business ☐ Business

Filing Fee (Check one box)

☒ Full Filing Fee attached
☐ Filing Fee to be paid in installments (Applicable to individuals only)
Must attach signed application for the court's consideration
certifying that the debtor is unable to pay fee except in installments.
Rule 1006(b). See Official Form No. 3.

Chapter 11 Small Business (Check all boxes that apply)

☐ Debtor is a small business as defined in 11 U.S.C. § 101.
☐ Debtor is and elects to be considered a small business under
11 U.S.C. § 1121(e) (Optional)

Statistical/Administrative Information (Estimates only)

- ☒ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Case #
Name
Address
Chapter

THIS SPACE IS FOR COURT USE ONLY
99-00811-B13
BURNS
PETER BORTZ
13

Estimated Number of Creditors

1-15	16-49	50-99	100-199	200-999	1000-over
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Filed: 01/25/99 010:33am
Deputy: P. TOWNSEND
Rec'd: 00110032
Amount: \$160.00

Estimated Assets

\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORDERED
CLERK, U.S. Bankruptcy Court
Southern District of California

UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF CALIFORNIA 325 W. "F" Street, San Diego, CA 92101-8970.		COURT USE ONLY FILED 99 FEB -2 AM 9:47 CLERK U.S. BANKRUPTCY CT. SO. DIST OF CALIF
TITLE OF CASE (Abbreviated) In re Burns		
ATTORNEY(S) NAME AND ADDRESS Bryan D. Sampson, Esq. (#143143) SAMPSON & ASSOCIATES 2139 First Avenue San Diego, California 92101 fax: 619/557-9425		TELEPHONE NO. (619) 557-9420
ATTORNEY(S) FOR: Creditor SARA NEWSOME BURNS	HEARING DATE-TIME-DEPT N/A N/A 4	CASE NO. 99-00811-B13

DECLARATION OF SERVICE

I, Jody Racanelli, declare that: I am a citizen of the United States and am employed in the County of San Diego, State of California; I am over the age of 18 years and not a party to this action; my business address is 2139 First Avenue, San Diego, CA., 92101;

On February 1, 1999, I served the following document(s):

1. Ex Parte Application for Order to Pay Trustee;
2. Memorandum of Points and Authorities in support of Application for Order to Pay Trustee;
3. Declaration of Bryan D. Sampson in support of Application for Order to Pay Trustee;
4. Index of Exhibits in Support of Application for Order to Pay Trustee;
5. Order Authorizing Payment to Trustee

addressed to:

L. Scott Keehn
 Robbins & Keehn
 530 "B" Street, Suite 2400
 San Diego, CA. 92101

U.S. Trustee's Office
 402 West Broadway, Suite 600
 San Diego, CA. 92101


Stephen Segreto
 Assistant U.S. Attorney
 Southern District of California
 880 Front St., Rm 6293
 San Diego, CA. 92101

Thomas H. Billingslea, Jr.
 Chapter 13 Trustee
 530 "B" Street, Suite 1500
 San Diego, CA. 92101

in the following manner of service (check proper box):

- X (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at San Diego, California.
- (VIA TELECOPIER) I also caused such document to be telecopied to the offices of the addressees where indicated.
- (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee(s).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 1, 1999, at San Diego, California.


 Jody Racanelli